

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

MARLENE HYTON, on behalf of	)	
herself and others similarly	)	
situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. CV421-163
	)	
TITLEMAX FINANCING, INC., a	)	
Florida Corporation,	)	
	)	
Defendant.	)	
	)	

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**O R D E R**

Before the Court is Defendant TitleMax Financing's Motion to Dismiss. (Doc. 10.) In its motion, Defendant moved to dismiss Plaintiff's complaint for failure to state a claim. (Id. at 1.) Alternatively, Defendant moved for a more definite statement and for Plaintiff's class allegations to be dismissed. (Id. at 2.) Subsequently, Plaintiff filed an amended complaint which replaced its allegations against "TitleMax Funding, Inc."<sup>1</sup> with allegations against Defendant TitleMax of Virginia, Inc.<sup>2</sup> (Doc. 17.) Because Plaintiff has abandoned her claims against Defendant TitleMax

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<sup>1</sup> Although Plaintiff named TitleMax Financing as the defendant in its original complaint, the factual allegations in the complaint were made against "TitleMax Funding, Inc.," a separate entity. (See, e.g., Doc. 1 at 2.) This inconsistency was a primary issue in Defendant TitleMax Financing's motion to dismiss. (Doc. 10 at 1.)

<sup>2</sup> Because Plaintiff is no longer bringing claims against TitleMax Financing, the Clerk is **DIRECTED** to amend the caption to substitute "TitleMax of Virginia, Inc." for "TitleMax Financing, Inc." as the defendant in this matter.

Financing, its motion to dismiss (Doc. 10) is **DISMISSED AS MOOT**. See Malowney v. Fed. Collection Deposit Grp., 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) (noting that an amended complaint supersedes a previously filed complaint).

SO ORDERED this 24<sup>th</sup> day of August 2021.



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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA